

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MAY 31 2002

Geraldine Treutelaar Crockett,
Clerk
/sh

In re:)
Alean Williams) Chapter 13
Debtor) Case Number 02-31639

JUDGMENT ENTERED ON MAY 31 2002

ORDER DISMISSING DEBTOR'S CASE

THIS MATTER comes on before the undersigned United States Bankruptcy Judge on the Court's own motion to dismiss the debtor's case. For the reasons stated below, the Court finds that this case should be dismissed.

Factual Background

1. The Court finds that this is the fourth bankruptcy petition that the debtor has filed since July, 2000.

2. The debtor's first bankruptcy petition was filed on July 31, 2000. This case was dismissed on September 12, 2000, for the debtor's failure to appear at the § 341(a) first meeting of creditors and the debtor's failure to pay first money.

3. The debtor's second bankruptcy petition was filed on September 26, 2000. This case was dismissed on April 25, 2002, due to the debtor's default in payments on her Chapter 13 plan.

4. The debtor's third bankruptcy petition was filed on April 30, 2002. This case was dismissed on May 20, 2002. This dismissal was ordered due to the debtor's failure to pay the filing fee as ordered by the Court on May 1, 2002. The debtor was

further ordered to remit to the Court the \$185.00 filing fee within fifteen days of the entry of the Court's May 20, 2002 Order. This fee remains unpaid.

5. On May 24, 2002, four days after her most recent bankruptcy case was dismissed, the debtor filed the case at bar.

Discussion

6. Section 109(g) of the United States Bankruptcy Code provides that an individual may not be debtor in a pending case if, in the preceding 180 days, the individual has been a debtor in a case that was dismissed by the court for the debtor's failure to abide by the court's orders. 11 U.S.C. 109(g). The debtor here had one prior case dismissed in April, 2002, for failure to make Chapter 13 plan payments as ordered by the Court. Moreover, the debtor's most recent Chapter 13 case was dismissed for the debtor's failure to pay the bankruptcy filing fee as ordered by the Court.

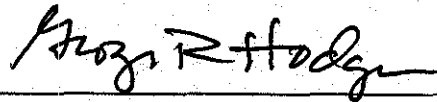
Accordingly, the Court concludes that § 109(g) requires that this case be dismissed.

7. Pursuant to § 105(a) of the Code, the Court may enter any order that is necessary or appropriate to carry out the provisions of the Code. 11 U.S.C. 105(a). The Court concludes that, due to the debtor's disregard of prior Orders of this Court, it is appropriate to enjoin the debtor from seeking further relief from the Bankruptcy Court for one year.

IT IS, THEREFORE, ORDERED that this case is **DISMISSED**.

IT IS, FURTHER, ORDERED that the debtor shall remain liable for the \$185.00 ordered by this Court on May 20, 2002, which amount has not been paid.

IT IS, FURTHER, ORDERED that the debtor is **ENJOINED** for a period of one year from filing a petition for relief in any United States Bankruptcy Court .



George R. Hodges
United States Bankruptcy Judge